

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** Detroit District November 1, 2005

**FILE NUMBER:** 05-145-075-0

**PROJECT REVIEW/DETERMINATION  
COMPLETED:** In the office N Date:  
(Y/N)

At the project Y Date: 27-Oct-05  
site (Y/N)

### PROJECT LOCATION INFORMATION:

State: Indiana

County: Lake

Center coordinates of site by latitude & longitude lat:41-23-18.2040 lon:87-19-19.4160  
coordinates:

Approximate size of site/property (including uplands) 54.18  
in acres

Name of waterway or watershed: Isolated Wetland

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unkno wn
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type): Detention basin				X					

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

**TYPE OF DETERMINATION:**      **Preliminary**      Or **Approved X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A wetland verification and jurisdiction determination were conducted on approximately 54.18 acres in Crown Point, Indiana. The site was primarily agriculture, with a large pond/detention basin with fringe wetlands located in the northeast portion of the property. Additional fringe wetlands were present along U.S. 231 and I-65.

Approximately 12 acres of wetlands/open water were identified onsite using the scale in the delineation report. The wetlands/open water area did not have a distinct hydrological connection to a water of the United States. Ditches were initially present along both I-65 and U.S. 231; however, both ditches turned into mild depressions and grassy areas as you moved away from the site. Secondary information supports site conditions documented during the inspection. Subsequently, the wetlands/open water area are considered isolated and not within the Corps' jurisdiction (SWANCC determination).